



Docket No.: E3331.0601/P601
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
James Sinclair et al.

Application No.: 10/694,758

Group Art Unit: 2978

Filed: October 29, 2003

Examiner: Not Yet Assigned

For: TRADING SYSTEMS

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Timing of Filing of the Information Disclosure Statement:

- ☒ This IDS is being filed before the First Office Action¹.
- ☐ This IDS is being filed after the issuance of the First Office Action but before the issuance of a Final Office Action².

¹ The IDS should, where possible, include a certification under 37 C.F.R. §1.97(e).

² The IDS *must* include *either* a certification under 37 C.F.R. §1.97(e) *or* the fee set forth in 37 C.F.R. §1.17(p).

- ☐ This IDS is being filed after the issuance of a Final Office Action but before the payment of the Final Fee³.

Certifications:

If checked, the undersigned makes the following statement(s):

- ☐ Statement under 37 CFR § 1.97(e):

Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; or

No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

- ☐ Statement Under 37 C.F.R. § 1.704(d):

Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

Fee Required by 37 C.F.R. § 1.97(c)(2) or 1.97(d)(2):

- ☐ If checked, the fee of \$180.00 set forth in 37 C.F.R. §1.17(p) is attached.

³ The IDS *must* include *both* a certification under 37 C.F.R. §1.97(e) *and* the fee set forth in 37 C.F.R. §1.17(p).

Copies of Information:

In accordance with 37 C.F.R. §1.98(a), the following are enclosed:

- ☒ In view of the October 29, 2003 filing of this application, and the fact that only U.S. Patents and Publications are cited in the attached PTO/SB/08, no copies of the cited references are enclosed. See O.G. Notice dated 5 August 2003.
- ☐ With respect to any information which is not in English, a concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, is attached. This concise explanation is provided by way of:
 - ☐ A translation of the relevant portions of the non-English language information⁴;
 - ☐ A statement explaining the relevant portions of the non-English language information;
 - ☐ A copy [and, where not in the English language, a translation] of at least the relevant portion(s)⁵ of the communication from a foreign patent office in a counterpart foreign application in which the information was cited; or
 - ☐ This information is contained in the specification of the present application.

⁴ 37 C.F.R. §1.98(a)(3)(ii) *requires* that an English language translation be provided when a translation of the document, or portion thereof, "is within the possession, custody or control of, or is readily available to any individual designated in 37 C.F.R. § 1.56(c)."

⁵ The relevant portion is that portion which indicates the degree of relevance found by the foreign patent office. This may be an explanation of which portion of the of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report. MPEP §609 III A(3).

☐ In accordance with 37 C.F.R. 1.98(d), copies of the cited documents are not enclosed as they were provided in application Serial No. _____, filed _____, which the present application relies upon for an earlier effective filing date under 35 U.S.C. 120.

Materiality:

Whether or not the information and references disclosed in this Information Disclosure Statement is "material" pursuant to 37 CFR 1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

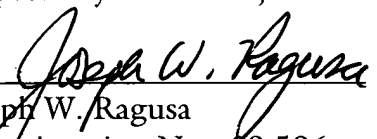
It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

In the event the actual fee is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 50-2215.

Dated: March 16, 2004

Respectfully submitted,

By


Joseph W. Ragusa

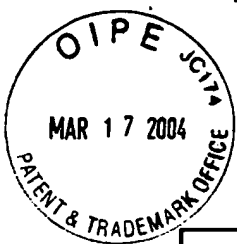
Registration No.: 38,586

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas, 41st Floor
New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant



PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/694,758-Conf. #5750	
			Filing Date	October 29, 2003	
			First Named Inventor	James Sinclair	
			Art Unit	2978	
			Examiner Name	Not Yet Assigned	
Sheet	1	of	2	Attorney Docket Number	E3331.0601/P601

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US-2002/0116332 A1	08-22-2002	Sanchez	
	AB	US-2002/0103667 A1	08-01-2002	Jannah et al.	
	AC	US-2002/0023030 A1	02-21-2002	Prohaska et al.	
	AD	US-2003/0163413 A1	08-28-2003	Wiczowski	
	AE	US-2003/0154171 A1	08-14-2003	Karp et al.	
	AF	US-2003/0149654 A1	08-07-2003	Harrington et al.	
	AG	US-2003/0139996 A1	07-24-2003	D'Antoni et al.	
	AH	US-2003/0084001 A1	05-01-2003	Chang	
	AI	US-2003/0083973 A1	05-01-2003	Horsfall	
	AJ	US-2003/0074273 A1	04-17-2003	Miller et al.	
	AK	US-2003/0061147 A1	03-27-2003	Fluhr et al.	
	AL	US-2003/0055772 A1	03-20-2003	Goldstein	
	AM	US-2002/0188553 A1	12-12-2002	Blauvelt et al.	
	AN	US-2002/0184135 A1	12-05-2002	Zakaria	
	AO	US-2002/0152156 A1	10-17-2002	Tyson-Quah	
	AP	US-2002/0152153 A1	10-17-2002	Nakagawa	
	AQ	US-2003/0018561 A1	01-23-2003	Kitchen et al.	
	AR	US-2002/0138400 A1	09-26-2002	Kitchen et al.	
	AS	US-2002/0087452 A1	07-04-2002	Megiddo	
	AT	US-2002/0083015 A1	06-27-2002	Yoshifuku et al.	
	AU	US-2002/0069176 A1	06-06-2002	Newman	
	AV	US-2002/0023033 A1	02-21-2002	Campbell et al.	
	AW	US-2002/0007334 A1	01-17-2002	Dicks et al.	
	AX	US-2002/0002545 A1	01-03-2002	Resneck	
	AY	US-2002/0049624 A1	04-25-2002	Raveis, Jr.	
	AZ	US-2002/0046159 A1	04-18-2002	Raveis, Jr.	
	AA1	US-2001/0047282 A1	11-29-2001	Raveis, Jr.	
	AB1	US-2001/0037230 A1	11-01-2001	Raveis, Jr.	
	AC1	US-2001/0005829 A1	06-28-2001	Raveis, Jr.	
	AD1	US-2003/0088509 A1	05-08-2003	Wilton et al.	
	AE1	US-6,321,202 B1	11-20-2001	Raveis, Jr.	
	AF1	US-6,594,633 B1	07-15-2003	Broerman	
	AG1	US-6,584,451 B1	06-24-2003	Shoham et al.	
	AH1	US-6,519,574 B1	02-11-2003	Wilton et al.	



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				Art Unit	2978
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Sheet	2	of	2	Attorney Docket Number	E3331.0601/P601

FOREIGN PATENT DOCUMENTS						
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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

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